

embracing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and use the invention. In particular, the Examiner stated that the claims still recite the term "homologue" and that the specification does not teach how to determine the degree of identity of a given protein or nucleic acid molecule with a reference protein or nucleic acid molecule.

Claims 2, 4, 6 and 50-53 have been amended to delete the term "homologue". Claim 8 has been amended to remove recitation of percent identities. Claims 46-49 depend from Claims 2, 4, 6 and 8, respectively. Thus, these amendments overcome the rejection of the claims on this basis. Reconsideration and withdrawal of the rejection is respectfully requested.

Objection to Claims 3, 5 and 7

The Examiner objected to Claims 3, 5 and 7 as depending from a rejected base claim. Claims 3, 5 and 7 depend from Claims 2, 4 and 6, respectively. As discussed above, Claims 2, 4 and 6 have been amended to overcome the rejection of these claims under 35 U.S.C. § 112, first paragraph. As this is the sole outstanding rejection of these claims, these amendments obviate the objection to Claims 3, 5 and 7.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,

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